

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
N/S Monumental Avenue, 557' W of the c/l
Hammonds Ferry Road * ZONING COMMISSIONER
(2317 & 2320 Monumental Avenue)
13th Election District * OF BALTIMORE COUNTY
1st Council District *
Case No. 02-230-SPH
Mario M. Machado, et ux
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Mario M. and Helen M. Machado, through their attorney, Michael P. Tanczyn, Esquire. The Petitioners request a special hearing to approve a waiver, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) of Sections 517.2 (510.2 of the Baltimore County Building Code) and Sections 26-276 and 26-172(a)(3) of the Baltimore County Code, to permit construction within a floodplain area, to include regrading; planting of a forest buffer; construction of a water quality sand filter trench, swale and outfall pipe; construction of a new access road and equipment storage area; renovations to the existing building and construction of 5-foot wide outside stairs to new first floor; and, to allow a durable dustless driveway and parking surface made of recycled concrete, in compliance with Section 409.8.A.2 of the B.C.Z.R. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 6.

Appearing at the requisite public hearing in support of the request were Mario Machado, property owner, R. Alonzo Childress, the Professional Engineer who prepared the site plan for this property, and Michael P. Tanczyn, Esquire, attorney for the Petitioners. Also present were Henry Leskinen, an environmental consultant with Eco Science, Inc., and David L. Thomas,

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Date 2/28/02
By Rjp

a Professional Engineer with the Baltimore County Department of Public Works. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located at the end of Monumental Avenue adjacent to the northbound ramp from Hollins Ferry Road to the Baltimore Beltway (I-695) in Halethorpe. The property contains a gross area of 4.807 acres, more or less, zoned M.L.-I.M. and is actually divided into two parcels by a stream which traverses the site. The east side of the property is improved with a building known as 2320 Monumental Avenue. This building is used by the Petitioner in connection with his business, which is characterized as a concrete products manufacturing operation. Essentially, the business accepts concrete and similar highway/building materials from various construction sites, which is then broken down and ultimately recycled for other uses. This use is permitted by right in the M.L. zone, pursuant to Section 253.1A.10 (Concrete Products Manufacture), and Section 253.1.A.20 (Glass Products Manufacturing). Moreover, certain of the aspects of the business might be considered as other by-right uses, namely, Building Materials, Storage or Sales Yard (Section 253.1.B2), and Construction Equipment Storage Yards (Section 253.1.B.3). Collectively, a combination of these uses is permitted, pursuant to Section 253.1.E of the B.C.Z.R. In any event, the Petitioner proposes certain renovations and redevelopment of the site, as more particularly shown on the site plan. The proposed redevelopment is complicated by the existence of the stream described above, which generates a riverine floodplain.

On behalf of the Petitioners, Mr. Childress offered testimony and evidence regarding the proposed renovations. He indicated that no improvements or alterations would be made to the property on the east side of the stream. However, to the west of the stream, debris will be removed, a portion of the property regraded, and a proposed stone surface made of recycled concrete will be installed to provide additional storage area. Additionally, a small building located west of the stream, known as 2317 Monumental Avenue, will be razed. The removal of this building is at the request of Mr. Thomas of the Department of Public Works. In addition to these improvements, Mr. Childress also described efforts to upgrade the site and protect environmentally

sensitive areas. These include the installation of a swale to promote water quality and treat runoff, and the planting of additional trees.

Testimony was also received from Henry Leskinen of Eco Science, Inc. He indicated that his firm was retained in September 2000 to establish the floodplain area and provide consultation as to how best to redevelop the site to preserve the aquatic resource. Mr. Leskinen described in detail the methods proposed and opined that the proposed construction will actually improve existing conditions on the site.

Testimony was also received from David Thomas, an engineer in Baltimore County's Department of Public Works (DPW). Mr. Thomas offered a written Zoning Advisory Committee (ZAC) comment dated January 15, 2002, which has been incorporated into the record of this case. That comment supercedes the prior ZAC comment offered by Robert W. Bowling, Supervisor, Development Plans Review Division on behalf of DPW. Mr. Thomas' memorandum sets out a number of requirements that need be met before he will support the requested waiver. These requirements include, for example, the removal of the building known as 2317 Monumental Avenue, which has already been agreed to by the Petitioner. Mr. Thomas also produced a letter from John M. Joyce of the Maryland Department of the Environment. Essentially, Mr. Joyce supports the comments contained within Mr. Thomas' letter of January 15, 2002. A ZAC comment was also received from John Russo, Department of Environmental Protection and Resource Management (DEPRM), which requires compliance with certain terms and conditions, including the regulations for the protection of water quality, streams, wetlands, and floodplains, as well as forest conservation regulations.

Based upon the cumulative testimony and evidence presented, I am persuaded to grant the requested waiver. In my judgment, the Petitioners have satisfied the requirements for such relief as set out in Section 26-172 of the Baltimore County Code. Indeed, it appears that the property owners have taken great efforts to comply with the recommendations made by Messrs. Thomas and Joyce. In sum, it appears that the proposed improvements will result in a better management of this site. In this regard, testimony was offered that the proposed renovations/

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Date 2/28/12
By RP

construction will result in better management of the aquatic resource and prevent adverse impacts such as flooding, on downstream properties (i.e., an adjacent trailer park). Obviously, relief will be conditioned so as to require the Petitioners' compliance with the recommendations made by the Department of Public Works and DEPRM.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of February, 2002 that the Petition for Special Hearing to approve a waiver, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) of Sections 517.2 (510.2 of the Baltimore County Building Code) and Sections 26-276 and 26-172(a)(3) of the Baltimore County Code, to permit construction within a floodplain area, to include regrading; planting of a forest buffer; construction of a water quality sand filter trench, swale and outfall pipe; construction of a new access road and equipment storage area; renovations to the existing building and construction of 5-foot wide outside stairs to new first floor; and, allow a durable dustless driveway and parking surface made of recycled concrete, in compliance with Section 409.8.A.2 of the B.C.Z.R., in accordance with Petitioner's Exhibit 6, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits, Petitioners shall sign the variance approval letter dated October 16, 2001 and submit same to DEPRM. Moreover, the Petitioners shall sign a single lot declaration of intent and submit same to DEPRM for review and approval. Additionally, a Forest Buffer Protection plan must also be submitted and approved by DEPRM, prior to the issuance of any permits.
- 3) Compliance with all other recommendations made by the Department of Environmental Protection and Resource Management, as set forth in their ZAC comment dated January 17, 2002, a copy of which is attached hereto

and made a part hereof.

- 4) Compliance with the recommendations made by the Department of Public Works, dated January 15, 2002, including the removal of the building known as 2317 Monumental Avenue, a copy of which is attached hereto and made a part hereof.
- 5) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

2/28/12

By

RP



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

March 1, 2002

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
N/S Monumental Avenue, 557' W of the c/l Hammonds Ferry Road
(2317 & 2320 Monumental Avenue)
13th Election District - 1st Council District
Mario M. Machado, et ux - Petitioners
Case No. 02-230-SPH

Dear Mr. Tanczyn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Mario Machado
2320 Monumental Avenue, Baltimore, Md. 21227
Mr. John M. Joyce, Comm. Asst. Prog., MDE, 2500 Broening Hwy., Balto. Md. 21224
Mr. R. Alonzo Childress, 713 Pheasant Drive, Forest Hill, Md. 21050-1528
Mr. David L. Thomas, DPW; Mr. John Russo, DEPRM; People's Counsel; Case/File





FLOOD PLAIN Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

2317, 2320 Monumental Avenue
Baltimore, Maryland 21227

which is presently zoned MLIM

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A waiver pursuant to Section 500.6 BCZR Section 517.2 (510.2 Building Code and Sections 26-276, 26-172(a)(3), BCC to permit the Petitioners to rebuild, repair, add, regrading, planting of forest buffer, construct water quality sand filter trench, swale and outfall pipe, construct access road and equipment material storage area, with no new buildings in a riverine floodplain, to provide durable dustless driveway and parking surface made of recycled materials to satisfy BCZR 409.8A(2).

Reasons are to be proupounded at the time of hearing. *(See attached)
Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

Michael P. Tanczyn, Esquire

(Type or Print Name)

Signature

606 Balto. Ave. Ste. 106 410-296-8823

Address

Towson,

MD

Phone No.

21204

City

State

Zipcode

Legal Owner(s)

Mario M. Machado

(Type or Print Name)

Signature

Helen M. Machado

(Type or Print Name)

Signature

2320 Monumental Avenue 410-247-2662

Address

Baltimore, MD

Phone No.

21227

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

R. Alonzo Childress

R. A. Childress & Assoc., Inc.

Name

713 Pheasant Drive 410-803-0304

Address

Forest Hill, MD

Phone No.

21050-1528

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

11-30-01

ORDER RECEIVED FOR FILING

Date 2/28/12

By [Signature]



02-230-SPH



ATTACHMENT TO PETITION FOR SPECIAL HEARING

Property Location: 2317, 2320 Monumental Avenue
Zoned: MLIM

To allow the refurbishment and elevation of the existing office building at 2317 Monumental Avenue by elevating the base floor and renovating the interior of the building for office use in a riverine floodplain.

230

October 29, 2001

ZONING DESCRIPTION FOR
MARIO & HELEN MACHADO PROPERTY
2317 & 2320 MONUMENTAL AVENUE
BALTIMORE COUNTY, MARYLAND

Beginning at a point at the centerline of Monumental Avenue, 40 feet wide, (approximately 557 feet west of the centerline paving at the intersection of Hammonds Ferry Road and Monumental Avenue); and binding along the centerline of Monumental Avenue the following course:

1. S 67° 46' 41" W 243.38 ft.

To the right of way line of the Baltimore County Beltway; thence leaving said centerline and binding along the Beltway right of way the following courses:

2. Along a curve to the right 90.43 ft.
Radius = 320.00 ft.
3. Along a curve to the right 190.92 ft.
Radius = 320.00 ft.
4. N 15° 01' 22" W 212.94 ft.
5. N 10° 12' 30" E 93.325 ft.

To the intersection of the Beltway right of way and the CSX Corporation Railroad property, thence running along the Railroad property the following courses:

6. N 75° 47' 47" E 187.90 ft.
7. N 16° 07' 46" E 188.69 ft.

Thence leaving said Railroad Property and running along the following courses:

8. S 08° 43' 19" E 235.90 ft.
9. N 67° 46' 41" E 209.00 ft.
10. S 16° 32' 05" E 199.95 ft.
11. S 67° 39' 18" W 103.91 ft.
12. S 16° 20' 36" E 215.02 ft.

To the Point of Beginning.

The Property, located in the 13th Election District, 1st Councilmanic District, three parcels as recorded in Deed Liber 14029, Folio 299 containing 4.8 acres of land more or less.



R. Alonzo Childress
Registered Professional Engineer
Maryland P.E. No. 10227

230

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-230-SPH

2317, 2020 Monumental Avenue

NW/SE Monumental Avenue, 557' +/- W centerline

of Hammonds Ferry Road

13th Election District -- 1st Councilmanic District

Legal Owner(s): Helen M. & Mario M. Machado

Special Hearing: for a waiver of flood plain provisions to permit the Petitioners to rebuild, repair, add, regarding planting of forest buffer, construct water quality sand filter trench, swale and outfall pipe, construct access road and equipment material storage area, with no new buildings in a riverine flood plain, to allow refurbishment and elevation of the existing office building at 2317 Monumental Avenue by elevating the base floor and renovating the interior of the building for office use in a riverine flood plain to provide durable dustless driveway and parking surface made of recycled materials.

Hearing: Monday, February 11, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing Contact the Zoning Review Office at (410) 887-3391
1/3/23 Jan. 24 CS16790

CERTIFICATE OF PUBLICATION

1/24/ 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/24/ 2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING



ZONING NOTICE

CASE #02-230-SPH

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 407, COUNTY COURTS BLDG,

PLACE: 401 BOSLEY AVENUE

MONDAY, FEBRUARY 11, 2002

DATE AND TIME: AT 2:00 P.M.

REQUEST: **SPECIAL HEARING** FOR A WAIVER OF
FLOODPLAIN PROVISIONS
TO PERMIT THE PETITIONERS TO REBUILD, REPAIR, AND REGARDING
PLANTING OF FOREST BUFFER, CONSTRUCT WATER QUALITY SAND FILTER,
DRAINAGE, SWALE AND OUTFALL PIPE, CONSTRUCT ACCESS ROAD AND
EQUIPMENT MATERIAL STORAGE AREA WITH NO NEW BUILDINGS IN RIVERINE
FLOOD PLAIN, TO ALLOW REDEVELOPMENT AND ELEVATION OF THE EXISTING
OFFICE BUILDING AT 717 MONUMENTAL AVENUE BY ELEVATING THE BASE FLOOR AND
RENOVATING THE INTERIOR OF THE BUILDING FOR OFFICE USE IN A RIVERINE
FLOOD PLAIN TO PROVIDE DURABLE DRAINAGE DRIVEWAY AND PARKING SURFACE
MADE OF RECYCLED MATERIAL.

NOTICE: DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 867-5381

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



CERTIFICATE OF POSTING

RE: Case No.: 02-230-SPH

Petitioner/Developer: _____

HELEN M. & MARIO M. MACHADO

Date of Hearing/Closing: FEB. 11, 2002

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____

2317 & 2320 MONUMENTAL AVE.

The sign(s) were posted on JAN. 25, 2002
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 02-230-SPH
Petitioner: MARIO & HELEN MACHADO
Address or Location: 2317 MONUMENTAL AVE. BALTO. MD 21227

PLEASE FORWARD ADVERTISING BILL TO:

Name: MARIO MACHADO
Address: 2340 MONUMENTAL AVE
BALTIMORE, MD. 21227
Telephone Number: 410-247-2662

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 24 2002 Issue – Jeffersonian

Please forward billing to:

Mario Machado
2340 Monumental Avenue
Baltimore MD 21227

410 247-2662

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-230-SPH
2317, 2320 Monumental Avenue
NW/S Monumental Avenue, 557' +/- W centerline of Hammonds Ferry Road
13th Election District – 1st Councilmanic District
Legal Owners. Helen M & Mario M Machado

Special Hearing for a waiver of flood plain provisions to permit the Petitioners to rebuild, repair, add, regarding planting of forest buffer, construct water quality sand filter trench, swale and outfall pipe, construct access road and equipment material storage area, with no new buildings in a riverine flood plain, to allow refurbishment and elevation of the existing office building at 2317 Monumental Avenue by elevating the base floor and renovating the interior of the building for office use in a riverine flood plain to provide durable dustless driveway and parking surface made of recycled materials.

HEARING: Monday, February 11, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt

CHANGE
TO 2:00 PM

LAWRENCE E. SCHMIDT GDZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

Per Lawyer
George Zahne

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

January 15, 2002

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-230-SPH
2317, 2320 Monumental Avenue
NW/S Monumental Avenue, 557' +/- W centerline of Hammonds Ferry Road
13th Election District – 1st Councilmanic District
Legal Owners: Helen M & Mario M Machado

Special Hearing for a waiver of flood plain provisions to permit the Petitioners to rebuild, repair, add, regarding planting of forest buffer, construct water quality sand filter trench, swale and outfall pipe, construct access road and equipment material storage area, with no new buildings in a riverine flood plain, to allow refurbishment and elevation of the existing office building at 2317 Monumental Avenue by *elevating the base floor and renovating the interior of the building for office use in a riverine flood plain* to provide durable dustless driveway and parking surface made of recycled materials.

HEARING: Monday, February 11, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon GDL
Director

C: Michael P Tanczyn, Esquire, 606 Baltimore Avenue, Suite 106, Towson 21204
Helen M & Mario M Machado, 2320 Monumental Avenue, Baltimore 21227
R Alonzo Childress, R. A. Childress & Assoc. Inc., 713 Pheasant Drive,
Forest Hill 21050

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 26, 2002**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

February 8, 2002

Michael P Tanczyn Esquire
606 Baltimore Avenue
Suite 106
Towson MD 21204

Dear Mr. Tanczyn:

RE: Case Number: 02-230-SPH, 2317, 2320 Monumental Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 30, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. C.D. 2
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Helen & Mario Machado, 2320 Monumental Avenue, Baltimore 21227
R Alonzo Childress, R A Childress & Associates Inc, 713 Pheasant Drive,
Forest Hill 21050-1528
People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** January 24, 2002

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 7, 2002
Item No. 230

The Bureau of Development Plans Review has reviewed the subject zoning item.

The Bureau of Development Plans Review recommends against approval of any grading in the riverine flood plain.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

January 4, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF December 31, 2001

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

221, 222, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234,
235, 236, 237, 238, 239, and 240

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

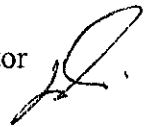
Come visit the County's Website at www.co.ba.md.us

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director,
Department Of Permits And Development Management
ATTN: George Zahner (Mail Stop #1105)

FROM: David L. Thomas 

THROUGH: Edward C. Adams, Jr., Director
Department of Public Works 

DATE: January 15, 2002

SUBJECT: Floodplain Waiver
Case Number 02-230-SPH
Site Grading and Renovation of Building in 100-year Floodplain

A waiver has been requested to construct an access road and equipment / material storage area, to renovate an existing building and to create a forest buffer and water quality facility in a 100-year riverine floodplain.

Under Section 26-276, Baltimore County Code, development in the riverine floodplain is not permitted. Since the subject site is already developed, a waiver under section 26-670 which would mitigate the existing flood hazard risk may be supported by this office. As a minimum, the petitioner's engineer must:

1. demonstrate no change in offsite water surface elevation in the 2, 10 and 100-year flood event resulting from the proposed grading and development activity at the site. Due to the proximity of a mobile home park downstream, no increase in the more frequent flood event elevations must be verified. Work in floodplain must meet the requirements of State MDE permit.
2. show why building #2317 cannot be relocated out of the floodplain area.
3. set lowest floor elevation of building #2317 to the flood protection elevation.
4. observe the applicable requirements of section 510.1 of the Building Code, including floodproofing and elevation certificates.
5. indicate floodproofing or other appropriate means of mitigating flood damage risk at building #2320, as a means of improving the flood resistance of the entire site.

CC: Alonzo Childress, John Joyce, Tom Hamer, Steve Walsh, Bob Bowling
ECA,Jr./DLT/s

T:\Users\ldthomas\I\home\General\MSDLT\FLOOD\ZACITEMS\SPH-02-230.doc

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: Todd G. Taylor *TGT*

DATE: January 17, 2002

SUBJECT: Zoning Item 230
Address 2317, 2320 Monumental Avenue

Zoning Advisory Committee Meeting of 12/31/01

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

X Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

X Additional Comments:

The Variance Approval Letter dated 10/16/01 must be signed by the owner and returned to DEPRM. A single lot declaration of intent must be signed by the owner and submitted to DEPRM for review and approval (6/5/01 comments). A Forest Buffer Protection Plan must also be approved by DEPRM. Finally, submit a copy of a letter of authorization for proposed work in a 100 year floodplain from the involved state/ federal agencies.

Reviewer: John Russo

Date: 1/09/02

file
2/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: January 11, 2002

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

JAN 14 2002

SUBJECT: Zoning Advisory Petition(s): **Case(s) 02-230**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Jeffrey W. Long

AFK/JL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 1.2.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. [REDACTED] JJS

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

/s/ Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
2317, 2320 Monumental Avenue, NW/S Monumental
Ave, 557' +/- W of c/l Hammonds Ferry Rd
13th Election District, 1st Councilmanic

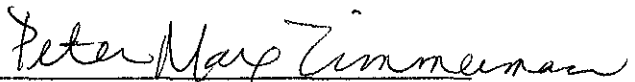
Legal Owner: Mario M. & Helen M. Machado
Petitioner(s)


* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-230-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.**


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of January, 2002 a copy of the foregoing Entry of Appearance was mailed to Michael P. Tanczyn, Esq., 606 Baltimore Avenue, Suite 106, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN



MARYLAND DEPARTMENT OF THE ENVIRONMENT

2500 Broening Highway • Baltimore, Maryland 21224

(410) 631-3000 • 1-800-633-6101 • [http:// www. mde. state. md. us](http://www.mde.state.md.us)

Parris N. Glendening
Governor

January 23, 2002

Jane T. Nishida
Secretary

Mr. David Thomas
Department of Public Works
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

**RE: 2317 Monumental Ave - Site grading and renovations to
building in riverine floodplain - Case # 02-230-SPH.**

Dear Mr. Thomas:

Mario and Helen Machado, 2317 Monumental Avenue, Baltimore, MD, would like to make improvements to a concrete plant in the 100-year riverine floodplain. In addition to site improvements, they would like to refurbish and elevate an existing building in the floodplain for use as an office. The building is currently estimated to be 12 feet below the 100-year flood elevation. The floodplain passes through the center of the site, and there is adequate space to locate buildings outside the 100-year floodplain. Also of note is that a trailer park is located just downstream of the site.

I have reviewed your comments of the January 15, 2002, correspondence to Arnold Jablon. I concur with your comments, and believe that adequate mitigation will be provided to compensate for the additional disturbance in the 100-year floodplain by your recommendations. We are particularly interested in moving the existing building out of the floodplain, if at all possible. We share your concern about the impact that any changes to the floodplain may have on the trailer park downstream. Please pass my concurrence with your comments on to the Hearing Officer considering this waiver.

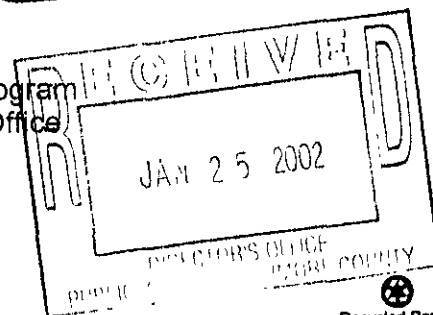
Baltimore County is reminded that a Waterway Construction Permit will be required from our Nontidal Wetlands and Waterways Program prior to any changes to the floodplain.

I hope that the above comments will assist Baltimore County in its consideration of this waiver request. Thank you for your attention to good floodplain management. Please feel free to contact me at (410) 631-3914 if you have questions or need additional assistance.

Sincerely,

John M. Joyce, Manager
Community Assistance Program
State NFIP Coordinating Office

JMJ



LAW OFFICES

MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue

Towson, Maryland 21204

(410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827

21
November 16, 2001

The Honorable Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
Room 408, County Courts Building
401 Bosley Avenue
Towson, MD 21204

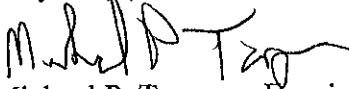
Re: Petition for Special Hearing, 2317, 2320 Monumental Avenue, Baltimore, Maryland

Gentlemen:

Enclosed herewith for drop off please find Petition for Special Hearing and the requisite number of signed originals, along with the folded engineer plats, engineer's sealed description, and zoning maps with property identified, as well as our check for filing costs. Please notify us of any dates for hearing.

I estimate that this case will take no more than one hour for presentation of the Petitioner's case. If you have any questions concerning this, please do not hesitate to call me.

Very truly yours,


Michael P. Tanczyn, Esquire

MPT/gr
Enclosures

cc: Machado Construction Company
R. Alonzo Childress

No Zoning Violations Pending

DROP-OFF PETITIONS PROCESSING CHECK-OFF

☒ **Two Questions Answered on Cover Sheet:**

Any previous reviews in the zoning office?
Any current building or zoning violations on site?

☒ **Petition Form Matches Plat in these areas:**

Address
Zoning
Legal Owner(s)
Contract Purchaser(s)
Request (if listed on plat)

☒ **Petition Form (must be current PDM form) is Complete:**

Request:

Section Numbers

Correct Wording (must relate to the code, especially floodplain and historical standard wording. Variances must include the request in lieu of the required code quantities.

Hardship/Practical Difficulty Reasons

Legal Owner/Contract Purchaser:

Signatures (originals)

Printed/Typed Name and Title (if company)

Attorney (if incorporated)

Signature/Address/Telephone Number of Attorney

☒ **Correct Number of Petition Forms, Descriptions and Plats**

☒ **200 Scale Zoning Map**

☒ **Check: Amount Correct? Signed?**

☒ **ZAC Plat Information:**

Location (by Carl) ~~Sectional NW/15 Monumental Ave. approx. 565 ft -~~
SW of centerline of Hammond's Ferry Rd.

Zoning: ML-EM

Acreage: 4.8

Previous Hearing Listed With Decision

Election District 13th

Councilmanic District 1st

Case # —

Check to See if the Subject Site or Request is:

CBCA

Floodplain

Elderly

Historical

Pawn Shop

Helicopter

*If Yes, Print Special Handling Category Here

*If No, Print No

230
Item Number Assigned

11-29-01
Date Accepted for Filing

Mon
2/11/02

02-2305PH

2317, 2320 Monumental Ave

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME _____

ADDRESS

Michael P. Tankzyn

Alonzo Childress

MARIO MACHAZO

Henry Leskinen

David L. Thomas

STE 106, 606 BALTIMORE AVE TOWSON 21204

713 Pheasant Dr. Forest Hill Md 21050
2/22/72

2340 MONUMENTAL AVE. BALTIMORE

5905 Glen Arm Rd, Glen Arm, MD 21057

Rm. 307, County Office Bldg.



Printed with Soybean Ink
on Recycled Paper

1

Tax Account No./Parcel Identifier

Made this 24th day of August, 19 99, by and between
Edward W. Barnes and Richard B. Schmitt
party(ies) of the first part, and
Mario M. Machado and Helen M. Machado
party(ies) of the second part:

Witnesseth, that in consideration of the sum of \$ 435,000.00 receipt of which is hereby
acknowledged, and which party(ies) of the first part certify under the penalties of perjury as the actual considera-
tion paid or to be paid, including the amount of any mortgage or deed of trust outstanding, the said party(ies) of
the first part do(es) grant and convey unto the party(ies) of the second part in fee simple as Tenants by
the Entirety all that property situate in Baltimore County, State of Maryland,
described as:

SEE EXHIBIT "A" - LEGAL DESCRIPTION

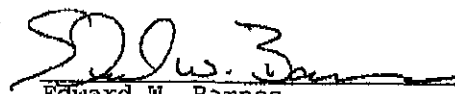

which has an address of 2317 & 2320 Monumental Avenue, Baltimore, Maryland 21227

Subject to covenants, easements and restrictions of record.

To Have and To Hold said land and premises above described or mentioned and hereby intended to
be conveyed, together with the buildings and improvements thereupon erected, made or being, and all and every ti-
le, right, privileges, appurtenances and advantages thereunto belonging, or in anywise appertaining, unto and for
the proper use only, benefit and behalf forever of said party(ies) of the second part in fee simple.
Being the same property described in Liber 8815 folio 241, among the said Land Records.

And the said party(ies) of the first part covenants that it will warrant specially the property hereby con-
veyed and that it will execute such further assurances of said land as may be requisite or necessary.

In Testimony Whereof, the said party of the first part has set its hand(s) and seal(s) the year and day
first above written.

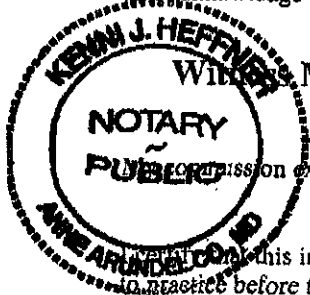
____ (SEAL)  (SEAL) Edward W. Barnes
____ (SEAL)  (SEAL) Richard B. Schmitt

Ref
No 1


State of Maryland, County of Anne Arundel ss:

I Hereby Certify that on this 24th day of August, 19 99,
before me, the undersigned subscriber, did personally appear Edward W. Barnes and Richard B.
Schmitt

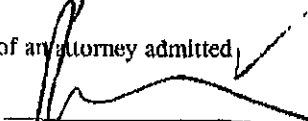
known to me or satisfactorily proved to be the person(s) whose name(s) are set forth in the within deed, and did fur-
ther acknowledge that they executed the foregoing deed for the purposes therein contained.

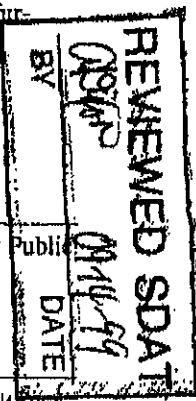


Witness My Hand And Notarial Seal.


Kenn J. Heffner Notary Public

____ this instrument was prepared under the supervision of an attorney admitted
to practice before the Court of Appeals of Maryland.


Roger J. Pedersen Attorney



W. T. SADLER SURVEYORS

Phone [410] 526-5618

Fax [410] 526-7199

152 Westminster Road

Reisterstown, Maryland 21136

James C. Sadler

Date: August 8, 1999

Page 1 of 4

Description of the property of
Edward W. Barnes and Richard B. Schmitt
Located at

2320 MONUMENTAL AVENUE
13th Election District, Baltimore County, MD.

PARCEL ONE:

Beginning for the first at a pipe and cap set at the end of the seventh or south 00 degree 11 minute west 235.90 foot line of Parcel One described in a deed dated May 31, 1991 and recorded among the Land Records of Baltimore County in Liber 8815, folio 241 was conveyed by David A. Rosseau, Ed W. Barnes and Richard B. Schmitt, to Edward W. Barnes and Richard B. Schmitt, said point also being at the beginning of the eighth or north 03 degree west 204 foot line of that first parcel of land described in a deed dated May 2, 1997 and recorded among the Land Records of Baltimore County in liber 12178, folio 145 was conveyed by William A. Harting, Jr. June C. Hock, Phyllis M. Williams, and Mirar Harting, to Flinchum Enterprises, LTD., said point of beginning also being the common corner of Lots 26, 27 and 30, as shown on a Plat of GROSEDALE, which Plat is recorded among the Land records of Baltimore County in Plat Book W.P.C. No. 3, folio 124; thence binding on the outlines of the first mentioned parcel of land and also binding on the division line of Lot 26 and Lot 27 on the aforementioned Plat the two following courses and distances as now surveyed by W.T. Sadler, Surveyors referring the courses to the Baltimore County Grid Meridian

- 1) South 08 degrees 43 minutes 19 seconds east 8.00 feet to a pipe and cap set and
- 2) South 13 degrees 12 minutes 40 seconds west 425.12 feet to a pipe and cap set on the northeasternmost right of way line of the State Roads Commission of Maryland, Baltimore County Beltway, as shown on S.R.C. Plats No. 10711, 10712 and 16880; thence running and binding along said right of way the three following courses and distances, viz.
- 3) Along a curve to the right with a radius of 320.00 feet a distance of 190.92 feet, said curve being subtended by a chord bearing north 46 degrees 13 minutes 29 seconds west 188.005 feet,
- 4) North 15 degrees 01 minutes 22 seconds west 212.94 feet and
- 5) North 10 degrees 12 minutes 30 seconds east 93.325 feet to the intersection of the Baltimore County Beltway right of way and the Baltimore and Ohio Railroad, now

owned by the CSX Corporation; thence running and binding along said railroad the two following courses and distances, viz.

- 6) North 75 degrees 47 minutes 47 seconds east 187.90 feet to a pipe and cap set and
- 7) North 16 degrees 07 minutes 46 seconds east 188.69 feet to a pipe and cap set ; thence leaving said Railroad and running and binding along the aforementioned seventh line of the first mentioned deed and also binding reversely along the aforementioned eighth line of the second mentioned deed
- 8) South 08 degrees 43 minutes 19 seconds east 235.90 feet to the place of beginning, containing 2.2437 acres, more or less.

PARCEL TWO - FIRST PART

Beginning for the same at the beginning point of the first described parcel of land of Parcel two described in a deed dated May 31, 1991 and recorded among the Land Records of Baltimore Country in Liber 8815, folio 241 was conveyed by David A. Rosseau, Ed W. Barnes and Richard B. Schmitt, to Edward W. Barnes and Richard B. Schmitt, said point also being in the centerline of Monumental Avenue, 40 feet wide; thence running and binding along the outlines of said first parcel of land of said Parcel Two and binding along the centerline of Monumental Avenue as now surveyed by W.T. Sadler Surveyors referring the courses to the Baltimore County Grid Meridian

- 1) South 67 degrees 46 minutes 41 seconds west 168.38 feet to the intersection of the centerline of said Monumental Avenue with the northeasternmost Right of Way Line of the State Roads Commission of Maryland, Baltimore County Beltway, as shown on S.R.C. Plat No. 16880; thence leaving said centerline and binding along the right of way line of the aforementioned Baltimore County Beltway
- 2) along a curve to the right with a radius of 320.00 feet a distance of 90.43 feet, said curve being subtended by a chord bearing north 71 degrees 24 minutes 12 seconds west 90.13 feet to intersect the end of the second or south 13 degree 12 minute 40 second west 425.12 foot line of the above described first parcel of land : thence leaving said Baltimore County Beltway and running and binding reversely along the second and first line of the above described first parcel of land
- 3) North 13 degrees 12 minutes 40 seconds east 425.12 feet to a pipe and cap set and
- 4) North 08 degrees 43 minutes 19 seconds west 8.00 feet to a pipe and cap set at the end of the seventh or south 00 degree 11 minute west 235.90 foot line of Parcel One described in a deed dated May 31, 1991 and recorded among the Land records of Baltimore Country in Liber 8815, folio 241 was conveyed by David A. Rosseau, Ed W. Barnes and Richard B. Schmitt, to Edward W. Barnes and Richard B. Schmitt, said point also being at the beginning of the eighth or north 03 degree west 204 foot line of that first parcel of land described in a deed dated May 2, 1997 and recorded among the Land Records of Baltimore County in liber 12178, folio 145 was conveyed by William A. Harting, Jr. June C. Hock, Phyllis M. Williams, and Mirar Harting, to Flinchum Enterprises, LTD., said point of

beginning also being the common corner of Lots 26, 27 and 30, as shown on a Plat of GROSEDALE, which Plat is recorded among the Land records of Baltimore County in Plat Book W.P.C. No. 3, folio 124: thence running and binding along the division line between lot 26 and lot 30 on the above mentioned Plat and also binding reversely along the seventh or south 73 degree 30 minute west 209 foot line of the above mentioned parcel of land conveyed to Flinchum Enterprises, LTD,

5) North 67 degrees 46 minutes 41 seconds east 104.50 feet; thence leaving said line and running and binding along the outlines of the aforementioned first parcel of land described in Parcel Two the three following courses and distances, viz.

6) South 16 degrees 42 minutes 31 seconds east 18.00 feet

7) South 67 degrees 46 minutes 41 seconds west 75.00 feet and

9) South 16 degrees 30 minutes 39 seconds east 397.13 feet to the place of beginning, containing 1.4044 acres of land, more or less.

PARCEL TWO -SECOND PART

Beginning for the same at the beginning point of the secondly described parcel of land of Parcel Two described in a deed dated May 31, 1991 and recorded among the Land Records of Baltimore County in Liber 8815, folio 241 was conveyed by David A. Rosseau, Ed W. Barnes and Richard B. Schmitt, to Edward W. Barnes and Richard B. Schmitt, said point also being in the centerline of Monumental Avenue, 40 feet wide; thence running and binding along the outlines of said second parcel of land of Parcel Two and binding along the centerline of Monumental Avenue as now surveyed by W.T. Sadler Surveyors and referring the courses to the Baltimore County Grid Meridian

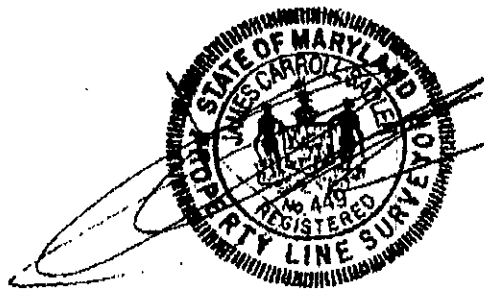
- 1) South 67 degrees 46 minutes 41 seconds west 75.00 feet ; thence leaving said centerline and binding reversely along the eighth and seventh lines of the above described first parcel of land of the Second Parcel
- 2) North 16 degrees 30 minutes 39 seconds west 397.13 feet and
- 3) North 67 degrees 46 minutes 41 seconds east 75.00 feet ; thence
- 4) South 16 degrees 42 minutes 31 seconds 182.11 feet to a pin found at the end of the first or north 09 degree 00 minute west 196.90 foot line of the first lot described of Parcel Four described in a deed dated May 2, 1997 and recorded among the Land Records of Baltimore County in liber 12178, folio 145 was conveyed by William A. Harting, Jr. June C. Hock, Phyllis M. Williams, and Mirar Harting, to Flinchum Enterprises, LTD, thence binding reversely along said line
- 5) South 16 degrees 20 minutes 36 seconds east 197.02 feet to a pin found at the end of said line; thence continuing on the same course

- 6) South 16 degrees 20 minutes 36 seconds east 18.00 feet to the place of beginning, containing 0.6832 acres of land, more or less.

PARCEL THREE

Beginning for the same at the beginning point of Parcel Three described in a deed dated May 31, 1991 and recorded among the Land Records of Baltimore County in Liber 8815, folio 241 was conveyed by David A. Rosseau, Ed W. Barnes and Richard B. Schmitt, to Edward W. Barnes and Richard B. Schmitt, said point also being at the beginning of the seventh or south 73 degree 30 minute west 209 foot line of that first parcel of land described in a deed dated May 2, 1997 and recorded among the Land Records of Baltimore County in liber 12178, folio 145 was conveyed by William A. Harting, Jr., June C. Hock, Phyllis M. Williams, and Mirar Harting, to Flinchum Enterprises, LTD., said point of beginning also being the common corner of Lots 25, 26 and 30, as shown on a Plat of GROSEDALE, which Plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 3, folio 124, thence running and binding along the outlines of said Parcel Three and binding along the division line between lots 25 and 26 on said Plat as now surveyed by W.T. Sadler Surveyors and referring the courses to the Baltimore County Grid Meridian

- 1) South 16 degrees 32 minutes 05 seconds east 199.95 feet to a pipe found ; thence leaving said division line of lots 25 and 26 and binding reversely along the second or north 75 degree 00 minute 50 second east 103.69 foot line of the first lot described of Parcel Four described in a deed dated May 2, 1997 and recorded among the Land Records of Baltimore County in liber 12178, folio 145 was conveyed by William A. Harting, Jr., June C. Hock, Phyllis M. Williams, and Mirar Harting, to Flinchum Enterprises, LTD.,
- 2) South 67 degrees 39 minutes 18 seconds west 103.91 feet to a pin found at the end of said line, said pin also being at the end of the fourth or south 16 degree 42 minute 31 second east 182.12 foot line of the above described second parcel of land of Parcel Two,; thence reversely along said line to the end thereof and continuing reversely along the sixth or south 16 degree 42 minute 31 second east 18.00 foot line of the above described first parcel of land of Parcel Two
- 3) North 16 degrees 42 minutes 31 seconds west 200.11 feet to intersect the aforementioned seventh line of the parcel of land conveyed to Flinchum Enterprises, LTD; thence reversely along said line
- 4) North 67 degrees 46 minutes 41 seconds east 104.50 feet to the place of beginning, containing 0.4762 acres of land, more or less.



Grantors' Address 2201 Halethorpe Farm Road, Baltimore, MD 21227

Grantees' Address 9836 Old Annapolis Road, Ellicott City, Maryland 21042

Title Insurer Fidelity National Title Insurance

Deed

Edward W. Barnes and Richard B. Schmitt

To

Mario M. Machado and Helen M. Machado

Received for record on the _____ day of _____, 19____,
at _____ o'clock, _____ M. and recorded in Liber No. _____, folio _____,
among the Land Records of the County of _____, State of Maryland.

CLERK

Law Office
MARATHON TITLE COMPANY, INC.
14409 Greenview Drive, Suite 202
Laurel, MD 20708

CASE# 9916146

REMIT TO:

MARATHON TITLE COMPANY, INC.
14409 Greenview Drive, Suite 202
Laurel, MD 20708

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: BALTIMORE

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

1	Type(s) of Instruments	<input type="checkbox"/> Check Box if Addendum Intake Form is Attached. <input type="checkbox"/> Deed <input type="checkbox"/> Mortgage <input type="checkbox"/> Other ASSIGNMENT Other <input type="checkbox"/> Deed of Trust <input type="checkbox"/> Lease <input type="checkbox"/> FIN STATEMENT	
2	Conveyance Type Check Box	<input type="checkbox"/> Improved Sale <input type="checkbox"/> Arms-Length [1]	<input type="checkbox"/> Unimproved Sale <input type="checkbox"/> Arms-Length [2]
3	Tax Exemptions (If Applicable) Cite or Explain Authority	<input type="checkbox"/> Recordation <input type="checkbox"/> State Transfer <input type="checkbox"/> County Transfer	<input type="checkbox"/> Multiple Accounts <input type="checkbox"/> Not an Arms-Length Sale [9]
4	Consideration and Tax Calculations	Consideration Amount Purchase Price/Consideration \$ <u>435,000</u> Any New Mortgage \$ <u>342,000</u> Balance of Existing Mortgage \$ Other: \$ Other: \$ Full Cash Value \$	
5	Fees	Finance Office Use Only Transfer and Recordation Tax Consideration Transfer Tax Consideration \$ <u>435,000</u> X () % = \$ <u>6,525</u> Less Exemption Amount = \$ Total Transfer Tax = \$ <u>6,525</u> Recordation Tax Consideration \$ X () per \$500 = \$ TOTAL DUE \$	
6	Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	District <u>13</u> Property Tax ID No. (1) <u>13-15-810030</u> Grantor Liber/Folio <u>0815/24</u> Map Subdivision Name <u>METES & BOUNDS</u> Lot (3a) Block (3b) Sect/AR(3c) Plat Ref. SqFt/Acreage (4) Location/Address of Property Being Conveyed (2) <u>2317 + 2320 MONUMENTAL AVE BALT MD 21227</u> Other Property Identifiers (if applicable) <u>(13-16-00-004269)</u> Water Meter Account No. <u>20</u> Residential <input checked="" type="checkbox"/> or Non-Residential <input type="checkbox"/> Fee Simple <input checked="" type="checkbox"/> or Ground Rent <input type="checkbox"/> Amount: <u>2175</u> Partial Conveyance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Description/Amt. of SqFt/Acreage Transferred: <u>2175</u> If Partial Conveyance, List Improvements Conveyed:	
7	Transferred From	Doc. 1 - Grantor(s) Name(s) <u>EDWARD W. BARNES</u> <u>RICHARD B. SCHMITZ</u> Doc. 2 - Grantor(s) Name(s) <u>MARIO M. MACHADO</u> <u>HELEN M. MACHADO</u> Doc. 1 - Owner(s) of Record, if Different from Grantor(s) <u>A DAVID HOESMAN - TRUSTEES</u> Doc. 2 - Owner(s) of Record, if Different from Grantor(s)	
8	Transferred To	Doc. 1 - Grantee(s) Name(s) <u>MARIO M. MACHADO</u> <u>HELEN M. MACHADO</u> New Owner's (Grantee) Mailing Address <u>9836 OLD ANNAPOLIS RD. ELLICOTT CITY MD 21042</u> Doc. 1 - Additional Names to be Indexed (Optional) Doc. 2 - Additional Names to be Indexed (Optional)	
9	Other Names to Be Indexed		
10	Contact/Mail Information	Instrument Submitted By or Contact Person Name: <u>KENNIS HEFFNER</u> Firm: <u>MARSHALL TITLE CO.</u> Address: <u>14409 GREENVIEW DR SUITE 202</u> <u>LAVELLE MD 20780</u> Phone: <u>(410) 792-9990</u> <input type="checkbox"/> Return to Contact Person <input type="checkbox"/> Hold for Pickup <input type="checkbox"/> Return Address Provided	
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER	Assessment Information Yes <input checked="" type="checkbox"/> No Will the property being conveyed be the grantee's principal residence? Yes <input checked="" type="checkbox"/> No Does transfer include personal property? If yes, identify: Yes <input checked="" type="checkbox"/> No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).	
Assessment Use Only - Do Not Write Below This Line Agricultural Verification <input type="checkbox"/> Whole <input type="checkbox"/> Part <input type="checkbox"/> Tran. Process Verification Date Received: <u>19</u> <u>19</u> Dead Reference: <u>Geo.</u> <u>Map</u> <u>Sub</u> <u>Block</u> <u>Use</u> <u>Grid</u> <u>Plat</u> <u>Lot</u> <u>Town Cd.</u> <u>Ex. St.</u> <u>Ex. Cd.</u> <u>Occ. Cd.</u>			

Addendum

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Baltimore

(File #9916146)

The addendum form should be used when one transaction involves more than two instruments.
Each instrument should be itemized in accordance with Section No. 1 of the Intake Sheet.

(Type or Print in Black Ink Only--All Copies Must Be Legible)

5	(Continued) Fees	Amount of Fees	Doc. 3	Doc. 4	Doc. 5	Doc. 6
		Recording Charge	\$ 20.00	\$ 20.00	\$	\$
		Surcharge	\$ 2.00	\$	\$	\$
		State Recordation Tax	\$	\$	\$	\$
		State Transfer Tax	\$	\$	\$	\$
		County Transfer Tax	\$	\$	\$	\$
		Other	\$	\$	\$	\$
		Other	\$	\$	\$	\$
7	(Continued) Transferred From	Doc. 3 - Grantors(s) Name(s)		Doc. 4 - Grantors(s) Name(s)		
		Mario M. Machado and Helen M. Machado		Mario M. Machado and Helen M. Machado		
		Doc. 5 - Grantors(s) Name(s)		Doc. 6 - Grantors(s) Name(s)		
		Doc. 3 - Owner(s) of Record, if Different from Grantor(s)		Doc. 4 - Owner(s) of Record, if Different from Grantor(s)		
		Doc. 5 - Owner(s) of Record, if Different from Grantor(s)		Doc. 6 - Owner(s) of Record, if Different from Grantor(s)		
8	(Continued) Transferred To	Doc. 3 - Grantees(s) Name(s)		Doc. 4 - Grantees(s) Name(s)		
		Crestar Bank		Crestar Bank		
		Doc. 5 - Grantees(s) Name(s)		Doc. 6 - Grantees(s) Name(s)		
9	(Continued) Other Names to Be Indexed	Doc. 3 - Additional Names to be Indexed (Optional)		Doc. 4 - Additional Names to be Indexed (Optional)		
		Doc. 5 - Additional Names to be Indexed (Optional)		Doc. 6 - Additional Names to be Indexed (Optional)		
Special Instructions		Special Recording Instructions (if any)				

Distribution: Clerk's Office
SDAT
Office of Finance
Preparer
AOC-CC-301 (6/95) - FNT

Petitioner's

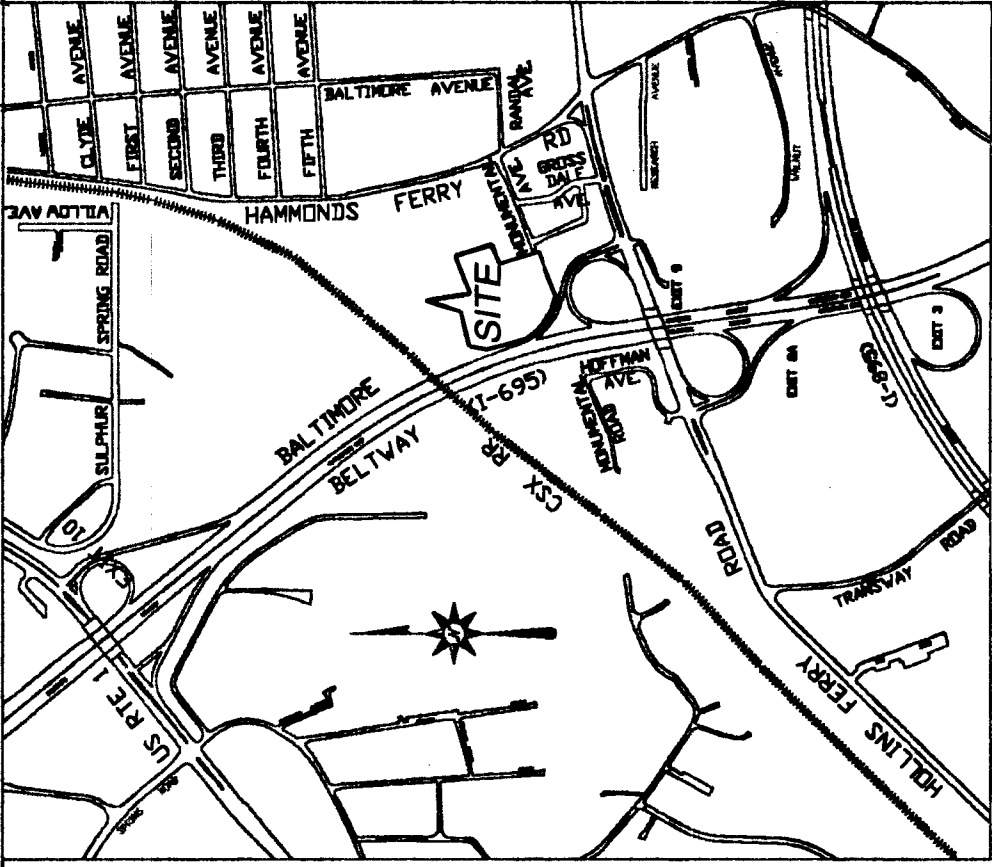
Ex. 5A-5B

02-230-5PN



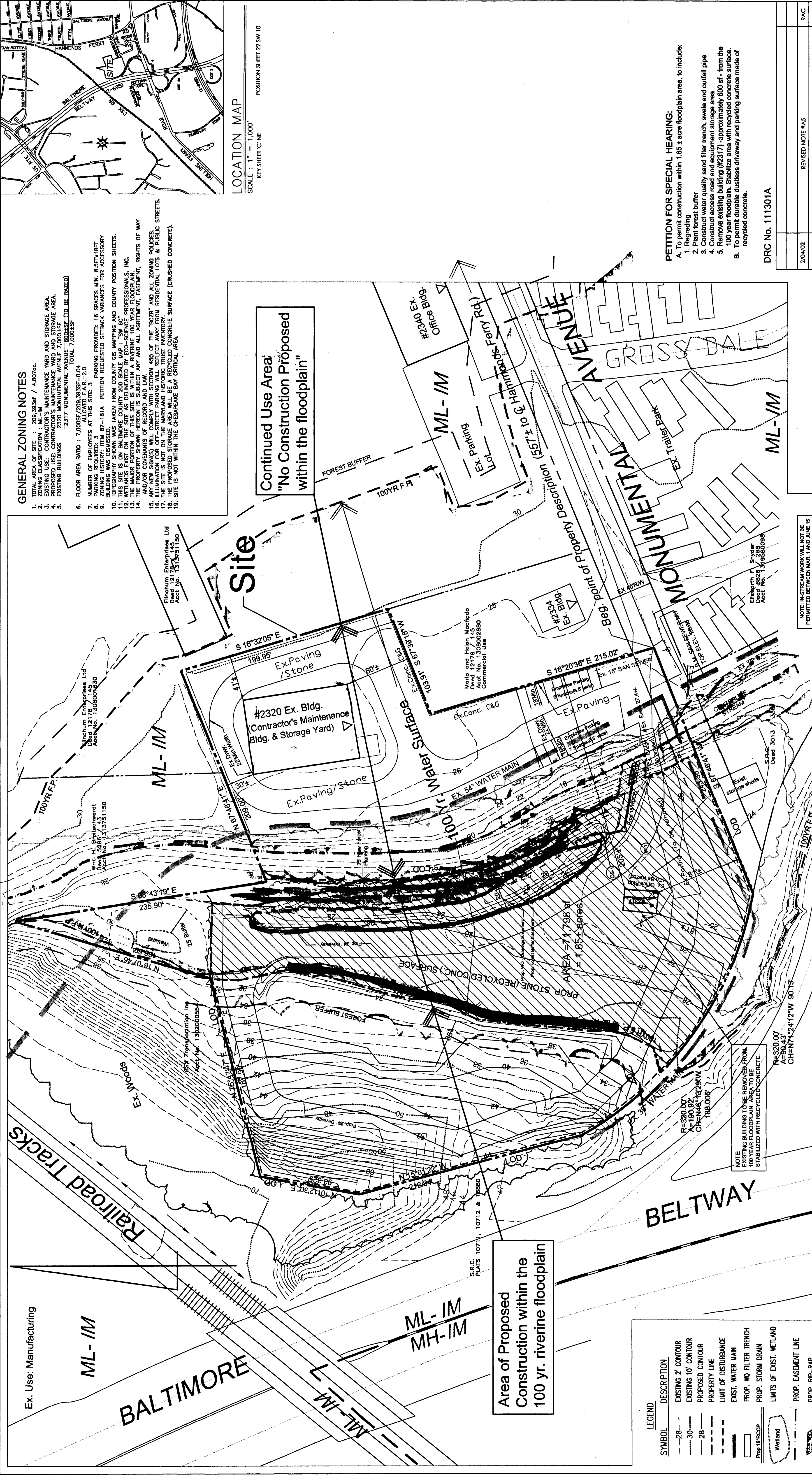


Postcard No 4



LOCATION MAP
SCALE: 1" = 1,000'
KEY SHEET C NE
POSITION SHEET 22 SW 10

- GENERAL ZONING NOTES**
- TOTAL AREA OF SITE: 209,393.5sf / 4.807ac.
 - ZONING CLASSIFICATION: ML-IM
 - EXISTING USE: CONTRACTOR'S MAINTENANCE YARD AND STORAGE AREA.
 - PROPOSED USE: CONTRACTOR'S MAINTENANCE YARD AND STORAGE AREA.
 - EXISTING BUILDINGS: 2317 MONUMENTAL AVENUE - 20023SF (TO BE RAZED)
TOTAL 7,0003SF
 - FLOOR AREA RATIO: 7.0003SF/209,393.5SF = 0.04
 - NUMBER OF EMPLOYEES AT THIS SITE: 3
 - PARKING PROVIDED: 16 SPACES MIN. 8 5FTx16FT
 - PARKING REQUIRED: 3 97'-18"1A. PETITION REQUESTED SETBACK VARIANCES FOR ACCESSORY BUILDING WAS DISMISSED.
 - TOPOGRAPHY SHOWN WAS TAKEN FROM COUNTY GIS MAPPING AND COUNTY POSITION SHEETS.
 - EXISTING EASEMENTS: 5' EASEMENT TO 2317 MONUMENTAL AVENUE.
 12. THE MAJOR PORTION OF THIS SITE IS WITHIN A RIVERINE 100 YEAR FLOODPLAIN.
 13. THE MAJOR PORTION OF THIS SITE IS WITHIN A RIVERINE 100 YEAR FLOODPLAIN.
 14. THE MAJOR PORTION OF THIS SITE IS WITHIN A RIVERINE 100 YEAR FLOODPLAIN.
 15. ANY NEW SIGNS WILL COMPLY WITH SECTION 450 OF THE "BCR" AND ALL ZONING POLICIES.
 16. ILLUMINATION FOR OFF-STREET PARKING WILL REFLECT AWAY FROM RESIDENTIAL LOTS & PUBLIC STREETS.
 17. THE PROPOSED STORAGE AREA WILL BE A RECYCLED CONCRETE SURFACE (CRUSHED CONCRETE).
 18. SITE IS NOT WITHIN THE CHEAPSKAPE BAY CRITICAL AREA.



SITE PLAN
SCALE 1" = 40'

NOTE: - COORDINATE SYSTEM BASED ON BALTIMORE COUNTY METROPOLITAN DISTRICT (BOMD)

LEGEND

SYMBOL	DESCRIPTION
---	EXISTING 2' CONTOUR
---	EXISTING 10' CONTOUR
---	PROPOSED CONTOUR
---	PROPERTY LINE
---	LIMIT OF DISTURBANCE
---	EXIST. WATER MAIN
---	PROP. NO. FILTER TRENCH
---	PROP. STORM DRAIN
---	LIMITS OF EXIST. WETLAND
---	PROP. EASEMENT LINE
---	PROP. RIP-RAP

PETITION FOR SPECIAL HEARING:

A. To permit construction within 1.65 ± acre floodplain area, to include:

- Regrading.
- Plant forest buffer
- Construct water quality sand filter trench, swale and outfall pipe
- Construct access road and equipment storage area
- Remove existing building (#2317) - approximately 600 sf - from the 100 year floodplain. Stabilize area with recycled concrete surface.

B. To permit durable dustless driveway and parking surface made of recycled concrete.

DRC No. 111301A

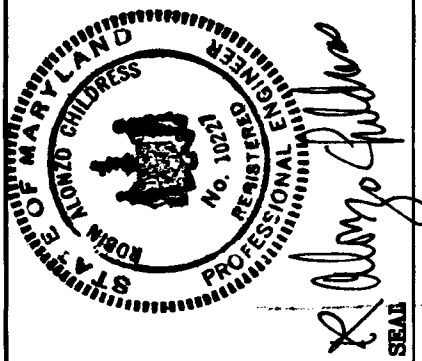
DATE	REVISION	NOTE #AS	BY
2/04/02			

Plat to accompany petition for Zoning Special Hearing

from
Mario & Helen Machado
to permit construction within a
100 year Riverine Floodplain
at 2317 Monumental Avenue for
Construction Equipment & Material Storage Yard
(No new buildings)

BALTIMORE COUNTY
DISTRICT 13 C1
SCALE: AS SHOWN
DATE: 11/19/01

ENGINEER: MARIO M. MACHADO & ASSOC., INC.
713 PHARMACY DRIVE
FOREST HILL, MD. 21050
(410) 363-0304
RACHIN@earthlink.net
DWG. NO. **2P-1**
SHEET 1 OF 1



OWNER & PETITIONER:
MARIO M. MACHADO & ASSOC., INC.
713 PHARMACY DRIVE
FOREST HILL, MD. 21050
P.O. BOX 5006
GLENN ARMS, MD. 21057
Act No. 1306002880
Comm. Use
Date: 11/19/01

CONSULTING ECOLOGIST:
ECO-SCIENCE PROFESSIONAL, INC.
P.O. BOX 5006
GLENN ARMS, MD. 21057
Act No. 1306002880
Comm. Use
Date: 11/19/01

AREA OF SITE = 209,393.5sf / 4.807+/- acres

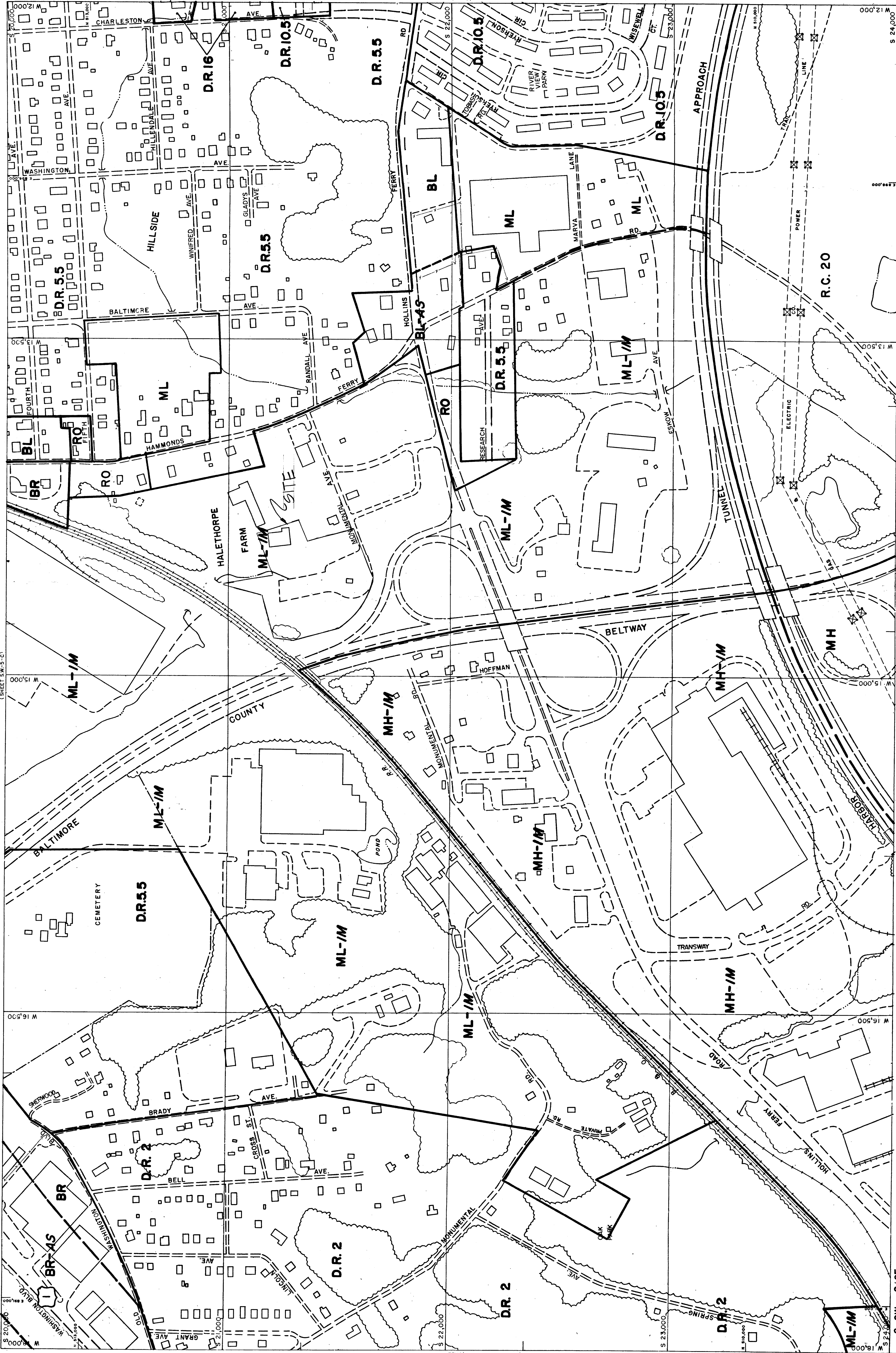
20106

Scale 1"=100'

NORTH



Polution ex No 3

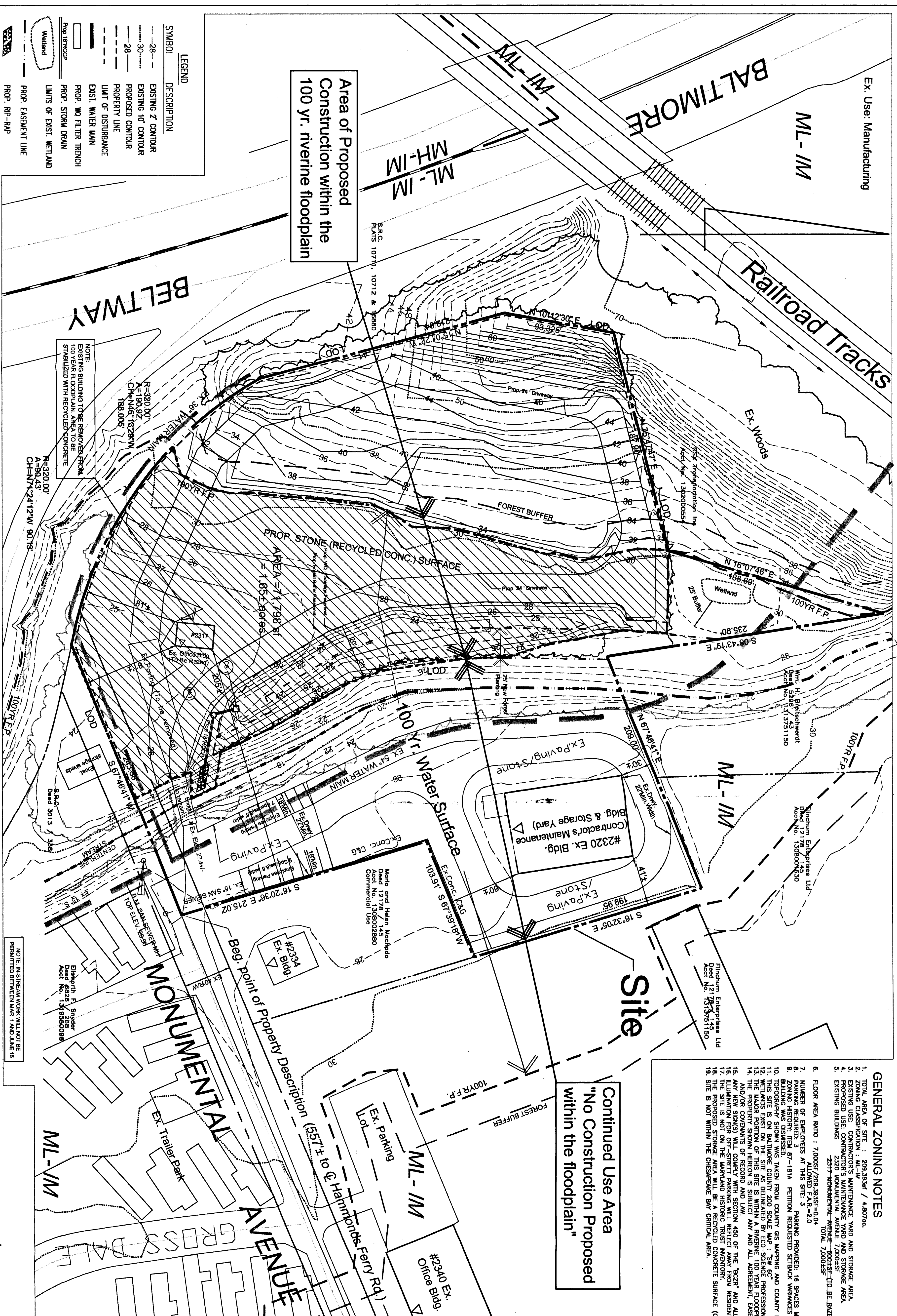


BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

2000 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 07-00, 08-00, 89-00, 90-00, 91-00, 92-00, 93-00,
James B. Batts
Chairman, County Council

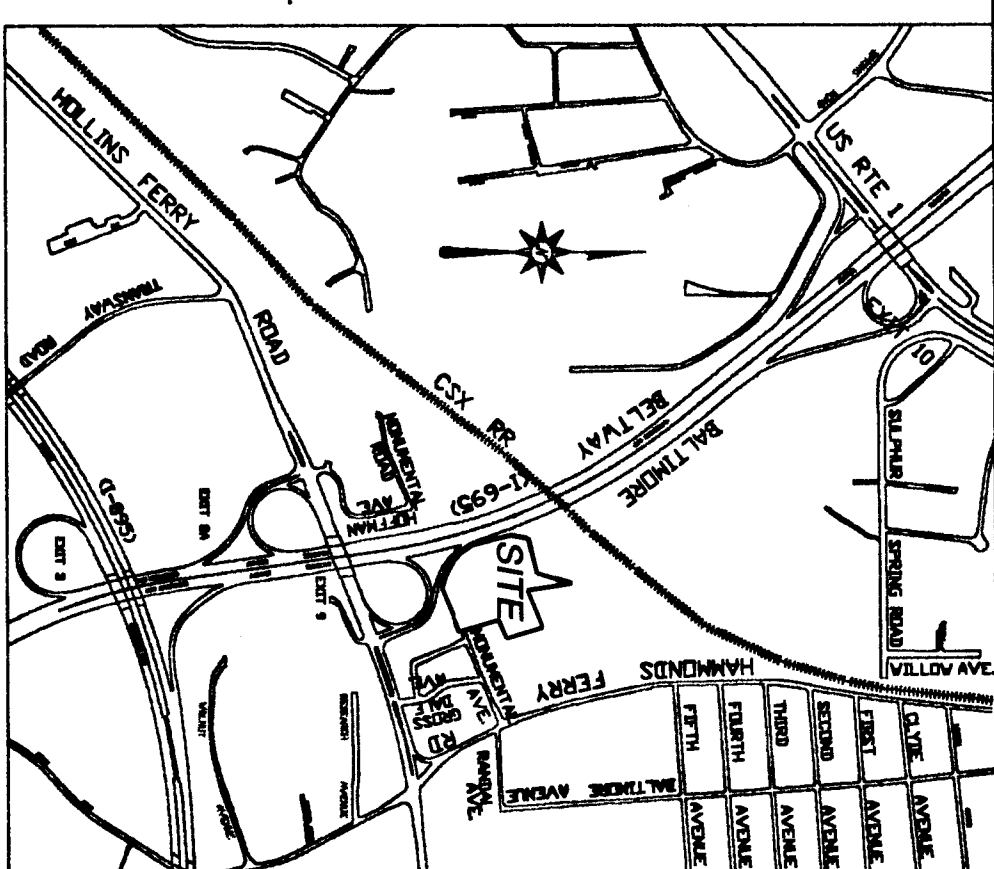
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC., BALTIMORE, MD. 21210

SCALE	LOCATION	SHEET
1" = 200' ±	MONUMENTAL	S.W. 6-C
DATE OF PHOTOGRAPHY		
JANUARY 1986		



GENERAL ZONING NOTES

1. TOTAL AREA OF SITE: 209.35±¹ / 4,807±² ac.
2. EXISTING USE: CONTRACTOR'S MAINTENANCE YARD AND STORAGE AREA.
3. PROPOSED USE: CONTRACTOR'S MAINTENANCE YARD AND STORAGE AREA.
4. EXISTING BUILDINGS: 2320 MONUMENTAL AVENUE 17,000±¹ SF
5. EXISTING BUILDINGS: 2377 MONUMENTAL AVENUE 2,000±¹ SF
6. FLOOR AREA RATIO: 7.0005¹ / 209.35±¹ - 0.04
7. NUMBER OF EMPLOYEES AT THIS SITE: 3
8. PARKING REQUIRED: 3
9. ZONING HISTORY: ITEM 87-1184 PETITION REQUESTED SETBACK VARIANCES FOR ACCESSORY BUILDING, SHOWN
10. BOUNDARY SHOWN: TAKEN FROM COUNTY MAPS OF WAPPING AND COUNTY POSITION SHEETS.
11. THIS SITE IS ON BUTLORNE COUNTY 200 SCALED MAP: "SW 6"
12. WETLANDS EXIST ON THE SITE AS Delineated by ECO-SYSTEMS PROFESSIONALS, INC.
13. THE PROPERTY SHOWN HEREON IS SUBJECT ANY AND ALL AGREEMENT, EASEMENT, RIGHTS OF WAY AND/OR COVENANTS OF RECORD AND LAM.
14. ANY NEW SIGNS WILL COMPLY WITH SECTION 450 OF THE "BURY" AND ALL ZONING POLICIES.
15. THE PROPOSED STORAGE AREA WILL BE A RECYCLED CONCRETE SURFACE (BRUSHED CONCRETE).
16. THE SITE IS NOT ON THE MARYLAND HISTORIC TRUST INVENTORY.
17. THE SITE IS NOT WITHIN THE CHESEBROUGH BAY CRITICAL AREA.



LOCATION MAP

SCALE : 1" = 1,000'

KEY SHEET C1 NE

POSITION SHEET 22 SW 10

SITE PLAN
SCALE 1" = 40'

NOTE: - COORDINATE SYSTEM BASED ON BALTIMORE COUNTY METROPOLITAN DISTRICT (BCMD)

NOTE: - COORDINATE SYSTEM BASED ON BALTIMORE COUNTY METROPOLITAN DISTRICT (BCMD)

AREA OF SITE = 209,393±sf / 4.807+/- acres

CONSULTING ECOLOGIST:
ECO-SCIENCE PROFESSIONAL, INC.
P.O. BOX 5006
GLENN ARMS, MD. 21057
(410) - 592-6752

MARIO M. & HELEN M. MACCHADO
2340 MONUMENTAL AVENUE
BALTIMORE, MARYLAND 21227
Acct. No. 1315810030
Acct. No. 1328000051
Acct. No. 1600004269
Deed - 14029/299

Plat to accompany petition for Zoning Special Hearing
from _____

Mario & Helen Machado
to permit construction within a
100 year Riverine Floodplain
at 2317 Monumental Avenue for
Construction Equipment & Material Storage Yard
(No new buildings)

BALTIMORE COUNTY DISTRICT 13 C1 MARYLAND
SCALE: AS SHOWN DATE: 11/19/01

ENGINEER: R. A. CHILDRESS & ASSOC., INC. 713 PHEASANT DRIVE FOREST HILL, MD. 21050	DEVELOPER / OWNER: MARIO M. & HELEN M. MACHADO 3240 MONMOUTH AVENUE BALTIMORE, MARYLAND 21227	DWG. NO. ZP-1	SHEET 1 OF 1
---	--	-------------------------	--------------

PETITION FOR SPECIAL HEARING:

- A. To permit construction within 1.65 ± acre floodplain area, to include:
 1. Regrading
 2. Plant forest buffer
 3. Construct water quality sand filter trench, swale and outfall pipe
 4. Construct access road and equipment storage area
 5. Remove existing building (#2317) (approximately 600 sf - from the 100 year floodplain. Stabilize area with recycled concrete surface.
- B. To permit durable dustless driveway and parking surface made of recycled concrete.

DRC No. 111301A

2/04/02	REVISED NOTE #A5	RAC
DATE	REVISION DESCRIPTION	BY